



COMPLIANCE REQUIREMENTS BY FUNCTIONAL AREA

Recordkeeping

Truth in Lending Act

Regulation Z

12 CFR 226

Record Retention

[Section 226.25]

The creditor is required to retain evidence of compliance with the regulation (other than the advertising requirements of Sections 226.16 and 226.24) for two years after the date the disclosures are required to be made or action is required to be taken. The record retention period may be extended in the event that enforcement proceedings are initiated against the institution.

Although not specified in the regulation, maintenance of other notices and disclosures such as the Servicing Transfer Notice and the Good Faith Estimate for a five-year period is recommended.

Real Estate Settlement Procedures Act

Regulation X

24 CFR 3500

Record Retention

The lender must retain each completed HUD-1 or HUD-1A and related documents for five years after settlement. [Section 3500.10(e)]

Documents provided pursuant to Section 3500.14 (Prohibition Against Kickbacks and Unearned Fees) must be retained for five years from the date of execution. [Section 3500.14(h)]

Documents provided pursuant to Section 3500.15 (Affiliated Business Arrangements) must be retained for five years after the date of execution. [Section 3500.15(d)]

Each servicer must keep records reflecting the handling of each borrower's escrow account for a period of at least five years after the servicer last serviced the escrow account. [Section 3500.17(l)]

The applicant's signed acknowledgment of the Servicing Disclosure Statement must be retained for five years after the date of settlement. [Section 3500.21(c)]

Although not specified in the regulation, maintenance of other notices and disclosures such as the Servicing Transfer Notice and Good Faith Estimate for a five-year period is recommended.



Home Mortgage Disclosure Act

Regulation C

12 CFR 203

Record Retention

[Section 203.5]

A copy of the Loan Application Register (LAR) must be retained for a period of at least 3 years.

The modified LAR must be available to the public for a period of 3 years.

The disclosure statement must be available to the public for a period of 5 years.

Flood Disaster Protection Act

OTS Implementing Regulations

12 CFR 550

Form and Notices

[12 CFR 572.6, 572.9]

An institution must retain copies of completed Standard Flood Hazard Determination Forms, in either hard copy or electronic form, for as long as it owns the loan.

An institution must retain a record of the receipt of the notices by the borrower and the servicer for as long as it owns the loan. The record of receipt should contain a statement from the borrower indicating that the borrower has received the notice; for example, a borrower's signed acknowledgment on a copy of the notice. The record of receipt may be kept in the form that best suits the institution's business, but must be retrievable within a reasonable period of time.

Equal Credit Opportunity Act

Regulation B

12 CFR 202

Record Retention

[Section 202.12]

Applications, supporting information and required notifications generally must be retained for 25 months (12 months for business credit) from date of the notice of action taken. A longer retention period may apply if an investigation or enforcement proceeding is underway. Special rules apply in the case of certain business-credit transactions and self-tests.



Electronic Fund Transfer Act

Regulation E

12 CFR 205

Record Retention

[Section 205.13(b)]

The institution must retain evidence of compliance with the requirements of the Act and Regulation E for a period of not less than two years from the date disclosures are required to be made or action is required to be taken. The period may be extended in the event of an investigation, action, or proceeding.

Expedited Funds Availability Act

Regulation CC

12 CFR 229

Record Retention

[Section 229.21(g)]

An institution must retain evidence of compliance with the regulation for at least two years. This record-retention period may be extended in the event of civil actions and enforcement proceedings brought against the institution.

Truth in Savings Act

Regulation DD

12 CFR 230

Record Retention

[230.9(c)]

An institution must retain evidence of compliance with the regulation for at least two years after disclosures are expired to be made or actions required to be taken. The record retention period may be extended in the event that enforcement proceedings are initiated against the institution.

Bank Secrecy Act

BSA Implementing Regulations

31 CFR 103

Monetary Instruments Recordkeeping (\$3,000 to \$10,000)

[31 CFR 103.29]

The institution must maintain records of the issuance or sale of monetary instruments (bank check or draft, cashier's check, money order or traveler's check) involving currency in amounts of \$3,000 to \$10,000, with supporting information as prescribed by Section



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103.29(a). Verify that purchaser is a deposit account holder or verify purchaser's identity in the manner described at Sections 103.29(a)(1) and 103.29(a)(2).

Contemporaneous purchases of the same or different types of instruments totaling \$3,000 or more must be treated as one purchase. Also multiple purchases totaling \$3,000 or more must be treated as a single purchase where the officer or employee has knowledge that these multiple purchases occurred.

Records of Persons with Financial Interests in Foreign Accounts [31 CFR 103.32]

Records of accounts required to be reported to the IRS pursuant to 31 CFR 103.24 (Reports of Foreign Financial Accounts) must be retained by each person having a financial interest in or signature or other authority over any such account. These records must contain the information prescribed by Section 103.32.

Extensions of Credit and Currency Transfers [31 CFR 103.33(a)- (c)]

The institution must maintain a record of each extension of credit in excess of \$10,000, except when the extension is secured by an interest in real property. The record must contain the name and address of the person to whom the extension of credit is made, and the amount, nature or purpose, and date of the credit. (31 CFR 103.33(a))

The institution must maintain a record of each advice, request, or instruction received or given regarding any transaction resulting in the transfer of currency or other monetary instruments, funds, checks, investment securities, or credit of more than \$10,000 to or from any person, account, or place outside the United States. A record must also be maintained if the transaction is later canceled if the record is "normally made." (31 CFR 103.33(b))

The institution must maintain a record of each advice, request, or instruction given to another financial institution or other person located within or without the United States, regarding a transaction intended to result in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than \$10,000 to a person, account or place outside the United States. (31 CFR 103.33(c))

Records of Wire (Funds) Transfer [31 CFR 103.33(e) and (g)]

Financial institutions are required to collect and retain the information specified in Section 103.33(e) and (g) in connection with all wire (funds) transfers of \$3,000 or more. The information to be collected and retained depends upon: (1) the type of financial institution, (2) its role in the wire transfer (originator, intermediary, or beneficiary), (3) the amount of the wire transfer, and (4) the relationship of the parties to the transaction with the financial institution. Certain exemptions to the recording requirements are described at Section



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103.33(e)(6). Note specific requirements on retrievability of information set forth in Section 103.33(e)(4).

Additional Records

[31 CFR 103.34]

The institution must keep a record of each customer's taxpayer identification number, for each certificate of deposit sold or redeemed, or each deposit or share account opened. Section 103.34(a) contains a number of exceptions, such as for Federal, state or local governments and certain public officials. It also provides alternative methods of complying with the recordkeeping requirements if the institution is unable to obtain the number.

The regulations require a financial institution to keep a number of specific documents relating to deposit accounts and currency transfers. For example, the institution must keep each document granting signature authority over each deposit account and each statement, ledger card, or other record of each deposit account.

Record Retention Period

[31 CFR 103.38]

All records required to be retained by Part 103 must be retained for a period of 5 years. Records required by Subpart C to be retained may be those made in the ordinary course of business by an institution. If no record is made in the ordinary course of business in connection with any transaction where records are required to be retained, a record must be prepared in writing by the institution.

All records retained by Part 103 must be filed or stored in such a way as to be accessible within a reasonable period of time, taking into consideration the nature of the record, and the amount of time expired since the record was made. Note that Section 103.33 contains specific requirements on retrievability in connection with information that must be retained in connection with wire (funds) transfers. Note also that Section 103.34 requires the institution to retain either the original or a microfilm or other copy or reproduction of each required record.

Community Reinvestment Act

Regulation BB

12 CFR 563e

Data Collection and Maintenance

[Section 563e.42]

Savings associations, other than small savings associations, must collect and maintain in machine readable form, certain data relating to its small business or small farm loan originations and purchases until the completion of its next CRA examination, as specified in Section 563e.42(a). In addition, institutions are allowed to collect and maintain certain additional information related to other types of lending, including data on consumer loans,



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affiliate lending, and consortium or third party lending, as specified in Section 563e.42(c), (d) and (e).

Consumer Protection for Depository Institution Sales of Insurance 12 CFR 536

Consumer Acknowledgments [Section 536.40 (c)(7)]

In order to establish compliance with Part 536, a savings association or covered person must retain the written acknowledgment by the consumer that the consumer received the written disclosures. Additionally, for telephone transactions that permit consumers to orally acknowledge receipt of disclosures, the savings association or covered person must retain sufficient documentation demonstrating the acknowledgment was received and reasonable efforts were used to obtain a written acknowledgment.

Record Retention 12 CFR 563.170 (c)

Although the regulation does not establish any record retention requirements, applicable regulatory reporting standards would apply. These standards apply for disclosures and written acknowledgments. These types of records should be retained until the savings association's next regularly scheduled examination for compliance with the regulation.